

## Exhibit D, Petition for Temporary Injunction

FORM NLRB-502 (RC)  
(4-15)UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**RC PETITION**

## DO NOT WRITE IN THIS SPACE

Case No.  
29-RC-288020Date Filed  
12/22/2021

**INSTRUCTIONS: Unless e-Filed using the Agency's website, [www.nlr.gov](http://www.nlr.gov), submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.**

**1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. **The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.**

<b>2a. Name of Employer</b> Amazon.com Services LLC		<b>2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code)</b> 410 Terry Avenue N. WA Seattle 98109	
<b>3a. Employer Representative – Name and Title</b> Amber Rogers Esq.		<b>3b. Address (If same as 2b – state same)</b> 1445 Ross Avenue Suite 3700 TX Dallas 75202	
<b>3c. Tel. No.</b> (214) 468-3308	<b>3d. Cell No.</b>	<b>3e. Fax No.</b>	<b>3f. E-Mail Address</b> arogers@hunton.com
<b>4a. Type of Establishment (Factory, mine, wholesaler, etc.)</b> Consumer Goods		<b>4b. Principal product or service</b> E-Commerce	
		<b>5a. City and State where unit is located:</b> Staten Island, NY	

<b>5b. Description of Unit Involved</b> <b>Included:</b>	<b>6a. No. of Employees in Unit:</b> 5000
<b>Excluded:</b>	<b>6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes [ <input checked="" type="checkbox"/> ] No [ <input type="checkbox"/> ]</b>

**Check One:** ☐ 7a. Request for recognition as Bargaining Representative was made on (Date) \_\_\_\_\_ and Employer declined recognition on or about \_\_\_\_\_ (Date) (If no reply received, so state).  
☐ 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

<b>8a. Name of Recognized or Certified Bargaining Agent (If none, so state).</b>		<b>8b. Address</b>	
<b>8c. Tel No.</b>	<b>8d Cell No.</b>	<b>8e. Fax No.</b>	<b>8f. E-Mail Address</b>
<b>8g. Affiliation, if any</b>		<b>8h. Date of Recognition or Certification</b>	<b>8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)</b>

9. Is there now a strike or picketing at the Employer's establishment(s) involved? No If so, approximately how many employees are participating? \_\_\_\_\_.  
(Name of labor organization) \_\_\_\_\_, has picketed the Employer since (Month, Day, Year) \_\_\_\_\_.

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)

<b>10a. Name</b>	<b>10b. Address</b>	<b>10c. Tel. No.</b>	<b>10d. Cell No.</b>
		<b>10e. Fax No.</b>	<b>10f. E-Mail Address</b>

**11. Election Details:** If the NLRB conducts an election in this matter, state your position with respect to any such election.

<b>11b. Election Date(s):</b> March 30, 2022	<b>11c. Election Time(s):</b> 12AM - 11:59PM	<b>11d. Election Location(s):</b> Employee Cafeteria
---	---	---

<b>12a. Full Name of Petitioner (including local name and number)</b> Chris Smalls Amazon Labor Union	<b>12b. Address (street and number, city, state, and ZIP code)</b> 67 Redford St. NY Staten Island 10314
---	--

**12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)**  
None

<b>12d. Tel No.</b> (201) 283-6658	<b>12e. Cell No.</b>	<b>12f. Fax No.</b>	<b>12g. E-Mail Address</b> chrismalls21@gmail.com
---------------------------------------	----------------------	---------------------	--

**13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.**

<b>13a. Name and Title</b> Eric Milner Esq. Attorney Simon & Milner, Esqs.	<b>13b. Address (street and number, city, state, and ZIP code)</b> 99 W. Hawthorne Ave. Suite 308 NY Valley Stream 11580
<b>13c. Tel No.</b> (516) 561-6622	<b>13d. Cell No.</b>
<b>13e. Fax No.</b> (516) 561-6828	<b>13f. E-Mail Address</b> emilner@simonandmilner.com

**I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.**

<b>Name (Print)</b> Eric Milner Esq.	<b>Signature</b> <i>Eric Milner</i>	<b>Title</b> Attorney	<b>Date</b> 12/22/2021 11:52:29 AM
---	-------------------------------------	--------------------------	---------------------------------------

**WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

# Exhibit D, Petition for Temporary Injunction

Attachment

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

## Employees Included

All hourly full-time and regular part-time fulfillment center associates employed at the JFK8 Building located at 546 Gulf Avenue, Staten Island, NY 10314.

## Employees Excluded

Truck drivers, seasonal employees, temporary employees, clerical employees, professional employees, managerial employees, engineering employees, maintenance employees, robotics employees, information technology employees, delivery associates, security guards, loss prevention employees, on-site medical employees, guard and supervisors as defined by the Act.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**STIPULATED ELECTION AGREEMENT**

**Amazon.com Services LLC**

**Case 29-RC-288020**

The parties **AGREE AS FOLLOWS:**

**1. PROCEDURAL MATTERS.** The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

**2. COMMERCE.** Amazon.com Services LLC, herein called the Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, a Delaware limited liability company with a Fulfillment Center located at 546 Gulf Avenue, Staten Island, New York, herein called the JFK8 Facility, has been engaged in the retail sale of consumer products throughout the United States. During the past 12-month period, the Employer, in conducting its business operations, derived gross revenues in excess of \$500,000 and purchased and received at its JFK8 Facility goods and supplies valued in excess of \$5,000 directly from enterprises located outside the State of New York.

**3. LABOR ORGANIZATION.** Amazon Labor Union, herein called the Petitioner, is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

**4. ELECTION.** A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

**DATE:** Friday, March 25, 2022;  
Saturday, March 26, 2022;  
Monday, March 28, 2022;  
Tuesday, March 29, 2022; and  
Wednesday, March 30, 2022

**HOURS:** 8:00AM to 1:00PM and 8:00PM to 1:00AM

**PLACE:** In a tent located in the parking area of the Employer's facility at 546 Gulf Avenue, Staten Island, NY

In addition, the election will be conducted consistent with the following safety protocols:

(i) Provide a spacious polling area, sufficient to accommodate six (6) foot distancing, which will be marked on the floor with tape to insure separation for observers, Board Agents and voters;

Initials: \_\_\_\_\_

- (ii) Have separate tables spaced six (6) feet apart so Board Agent, observers, ballot booth and ballot box are at least six (6) feet apart;
- (iii) Place markings on the floor to remind/enforce social distancing;
- (iv) Provide sufficient disposable pencils without erasers for each voter to mark their ballot;
- (v) Provide tape to seal challenge ballot envelopes;
- (vi) Provide plexiglass barriers of sufficient size to protect the observers and Board Agent and to separate observers and the Board Agent from voters and each other, pre-election conference and ballot count attendees, as well as masks, hand sanitizer, gloves and wipes for observers.
- (vii) Allow for an inspection of the polling area by video conference or in person, on **March 22, 2022, at 11:00AM**, or at least 24 hours prior to the election, so that the Board Agent and parties can view the polling area. A representative of Amazon Labor Union will be present during the walkthrough;
- (viii) Ensure that, in accordance with CDC guidance, all voters, observers, party representatives, and other participants will wear CDC conforming masks in all phases of the election. The Employer will post signs in or immediately adjacent to the Notice of Election to notify voters, observers, party representatives and other participants of this requirement;
- (ix) Provide the Region with required certification pre and post-vote regarding positive COVID-19 tests, if any.
- (x) Prior to the date of the manual ballot election, the Regional Director may reassess the COVID-19 infection rates in Richmond County, NY. The Regional Director may, in accordance with guidance set forth in *Apsirus Keweenaw*, 370 NLRB No. 45 (2020), determine that the scheduled, manual ballot election cannot be safely conducted and the Regional Director may cancel, postpone, or order a mail ballot election. If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, place of the election, or method of the election.

**5. UNIT AND ELIGIBLE VOTERS.** The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All hourly full-time and regular-part time fulfillment center associates employed at the Employer's JFK8 building located at 546 Gulf Avenue, Staten Island, New York.

Excluded: Truck drivers, seasonal employees, temporary employees, clerical employees, professional employees, managerial employees, engineering employees, maintenance employees, robotics employees, information technology employees, delivery associates, loss prevention employees, on-site medical employees, guards and supervisors as defined by the Act.

Employees will be called to vote according to a Release Schedule to be approved by the Regional Director. The Employer will post the Release Schedule alongside the Notice of Election. The parties understand that the Board agent conducting the election will not police the release schedule. The Board agent will allow any voter who is in line during the polling period to vote, regardless of whether they are voting according to the release schedule.

Initials: \_\_\_\_\_

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending February 12, 2022**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Also eligible to vote are all employees in the unit who have worked an average of four (4) hours or more per week during the 13 weeks immediately preceding the eligibility date for the election.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

**6. VOTER LIST.** Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

**7. THE BALLOT.** The ballots will be in English and Spanish and the Regional Director, in her discretion, will decide any other additional language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by Amazon Labor Union?" The choices on the ballot will be "Yes" or "No".

**8. NOTICE OF ELECTION.** The Notice of Election will be in English and Spanish, and the Regional Director, in her discretion, will decide any additional the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, including, but not limited to, on the Employer's bulletin boards, the Employer's Notification tab of AtoZ (to be re-posted at the beginning of March 22, 23, and 24, 2022) and on no fewer than five (5) of the Employer's electronic video displays, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required may be grounds for setting aside the election whenever proper and timely objections are filed.

Initials: \_\_\_\_\_

# Exhibit D, Petition for Temporary Injunction

**9. NOTICE OF ELECTION ONSITE REPRESENTATIVE.** The following individual will serve as the Employer's designated Notice of Election onsite representative: Felipe Santos, General Manager; P: 347-215-3436; 546 Gulf Avenue, Staten Island, NY.

**10. ACCOMMODATIONS REQUIRED.** All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

**11. OBSERVERS.** Each party may station three (3) authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

**12. SHOWING OF IDENTIFICATION.** The parties have agreed that voters will be required to show identification, employer or government issued (i.e. driver's license) or any identification showing a picture and the full name of the individual, upon voting. If a voter fails to present identification, they will vote subject to challenge.

**13. TALLY OF BALLOTS.** The ballot count will be conducted on **Thursday, March 31, 2022**, at 10:00AM, and on consecutive days until the count is completed, at a Region 29 hearing room located at 2 MetroTech Center, Brooklyn, New York. All ballots cast will be comingled and counted, and a tally of ballots prepared and immediately made available to the parties.

**14. POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**Amazon.com Services LLC**

(Employer)

**Amazon Labor Union**

(Petitioner)

**By:** /s/ Amber M. Rogers 2/16/2022  
(Signature) (Date)

**By:** /s/ Eric M. Milner 02/16/2022  
(Signature) (Date)

**Print Name:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Recommended:** /s/ Ioulia Fedorova 2/17/2022  
IOULIA FEDOROVA, Field Examiner (Date)

**Date approved:** 2/17/2022



\_\_\_\_\_  
**Regional Director, Region 29**  
**National Labor Relations Board**